

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

)	
In the Matter of)	
)	
Digicel USA, Inc.)	File No. ITC-214-2003-
)	
Application for Global Authority Pursuant to)	
Section 214 of the Communications Act)	
of 1934, as amended, to Operate as an)	
International Facilities based and Resale Carrier)	
Between the United States and Various)	
International Points)	
)	

EXHIBIT 1 TO ON-LINE APPLICATION

Digicel USA, Inc. (“Digicel USA” or “Applicant”), by its undersigned counsel, hereby requests global resale authority, under Section 214 of the Communications Act, (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points.

I. THE APPLICANT

Digicel USA is a corporation organized under the laws of Delaware. The Applicant is not a foreign carrier and is not affiliated, within the meaning of Section 63.09(e), 47 C.F.R. § 63.09, of the Commission’s Rules, with any foreign carrier. Accordingly, the Applicant qualifies for the presumption of non-dominance under Section 43.10(a)(3) of the Commission’s Rules, 47 C.F.R. § 43.10(a)(3), and its application is eligible for streamlined processing.

II. PUBLIC INTEREST CONSIDERATIONS

By granting this application, the Commission will serve the public interest, convenience, and necessity by promoting competition in international services in the international service market. Competition will benefit U.S. consumers by increasing service options and lowering prices. Thus, the public interest will be served by grant of Section 214 authority to Digicel USA.

III. INFORMATION REQUIRED BY SECTION 63.18

Digicel USA submits the following information, as required by Section 63.18 of the Commission's Rules, in support of its request for Section 214 authorization.

- (a) Name, address, and telephone number of Applicant:

Digicel USA, Inc.
c/o Digicel Caribbean Limited
Sixth Floor
1 Grand Canal Quay
Dublin 2, Ireland
Tel: 011-353-1-432-5902

Applicant is in the process of establishing an office in the United States and will notify the Commission of its new address.

- (b) Applicant is incorporated under the laws of Delaware.
- (c) Correspondence concerning this Application should be sent to:

Michael J. Mendelson
Jones Day
51 Louisiana Avenue
Washington, DC 20001
Tel: (202) 879-3794
Fax: (202) 626-1700
E-mail: mjmendelson@jonesday.com

with a copy to:

Ciaran Black
Director of Regulatory Affairs
Digicel Caribbean Limited
Sixth Floor
1 Grand Canal Quay
Dublin 2, Ireland

- (d) Applicant has not previously received authority under Section 214 of the Act. Upon grant of this application, Digicel USA will become an authorized, non-dominant reseller with global authority, pursuant to Section 214 of the Act and the Commission's Rules.
- (e) Applicant request Section 214 Authority to operate as a facilities based and resale carrier pursuant to Sections 63.18(e)(1) and (e)(2) of the Commission's Rules. Digicel USA requests such authorization for all international routes authorized by the Commission. Applicant certifies that it will comply with the terms and conditions contained in Sections 63.21 and 63.23 of the Commission's Rules.
- (f) Applicant seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) Information regarding Digicel USA's 10% or greater direct or indirect shareholders is as follows:

Name: Mossel (Jamaica) Limited
Address: 10-16 Grenada Way
Kingston 5, Jamaica
Percentage 100%
Citizenship: Jamaica
Principal Business: Telecommunications

Information regarding Mossel (Jamaica) Limited's 10% or greater direct or indirect shareholders is as follows:

Name: Digicel Caribbean Limited (St. Lucia) IBC
Address: Pointe Seraphine
Castries, St. Lucia
Percentage 100%
Citizenship: St. Lucia
Principal Business: Telecommunications

Information regarding Digicel Caribbean Limited's (St. Lucia) 10% or greater direct or indirect shareholders is as follows:

Name: Digicel (Bermuda) Limited IBC
Address: 7 Church Street
Hamilton, Bermuda
Percentage Held: 92%
Citizenship: Bermuda
Principal Business: Telecommunications

Information regarding Digicel (Bermuda) Limited's 10% or greater direct or indirect shareholders is as follows:

Name: Mr. Denis O'Brien
Address: 10 Rua Atlantico, Quinto do Lago
8135 Almancil, Portugal
Percentage Held: 92%
Citizenship: Irish
Principal Business: Communications

Information regarding Digicel's interlocking officers or directors is as follows:

Seamus Lynch is a Director of Digicel USA, Inc. and the Chief Executive Officer of Mossel (Jamaica) Limited, an affiliate of the Applicant which provides telecommunications services in Jamaica under the trade name "Digicel".

David Hall is Treasurer of Digicel USA, Inc. and the Chief Financial Officer of Mossel (Jamaica) Limited, an affiliate of the Applicant which provides telecommunications services in Jamaica under the trade name "Digicel".

- (h) Digicel USA certifies that it is not a foreign carrier. Digicel USA further certifies, however, that it is affiliated with Mossel (Jamaica) Limited, a foreign carrier providing service in Jamaica under the trade name Digicel Jamaica. Digicel USA further certifies that it is affiliated with Digicel (Grenada) Limited, authorized to provide telecommunications service in Grenada, Digicel (SVG) Limited, a foreign carrier providing telecommunications service in St. Vincent and the Grenadines, Digicel (St. Lucia) Limited, a foreign carrier providing telecommunications service in St. Lucia, Digicel (Barbados) Limited, authorized to provide telecommunications services in Barbados, and New Millennium Telecom Services NV, authorized to provide telecommunications services in Aruba. As described in Section III(g) above, Digicel USA is a wholly-owned subsidiary of Mossel (Jamaica) Limited.
- (i) Digicel USA seeks to provide international telecommunications services to all global points, except those points on the Commission's Exclusion List. Digicel USA certifies that it is not a foreign carrier. Digicel USA further

certifies, however, that it is affiliated with the foreign carriers identified in paragraph III(h), *infra*.

- (j) Digicel USA certifies that it is not a foreign carrier. The identity of Digicel USA's direct and indirect owners are provided in paragraph III(g) of this exhibit.
- (k) Digicel USA is affiliated with foreign carriers with operations in Jamaica, St. Vincent and the Grenadines, and St. Lucia, and with foreign carriers that intend to commence operation in Grenada, and Barbados, all of which are member-states of the World Trade Organization. Aruba is an autonomous territory of the Kingdom of the Netherlands and the Netherlands Antilles, which is a member-state of the World Trade Organization. Jamaica, St. Vincent and the Grenadines, St. Lucia, Grenada, Aruba, and Barbados provide effective competitive opportunities to U.S. carriers to compete in its market for facilities-based and resold switched services. U.S. carriers may obtain licenses in Jamaica, St. Vincent and the Grenadines, St. Lucia, Grenada, Aruba, and Barbados to provide fixed and mobile, facilities-based and resale telecommunications, and IMTS services.

The Jamaican market recently completed market liberalization on March 1, 2003. Jamaica is finalizing reasonable and nondiscriminatory terms and conditions under Jamaican law for interconnection to a Jamaican carrier's facilities for termination and origination of international services and resale services. Grenada, St. Vincent and the Grenadines, St. Lucia, and Barbados have also recently completed market liberalization. Furthermore, competitive safeguards exist and are being refined under Jamaica, Grenada, St. Vincent and the Grenadines, St. Lucia, and Barbados national laws to protect against anticompetitive practices. Aruba is in the process of liberalization of its markets, which are expected to be fully open to competition in 2005. Recent court cases in Aruba, however, are expediting the liberalization process, and have resulted in the grant of a license to Digicel USA's affiliate in Aruba, New Millennium Telecom Services NV.

The Office of Utilities Regulation ("OUR") is the regulatory agency with the responsibility for oversight over telecommunications companies and for ensuring and enforcing compliance with competition laws and regulations in the Jamaican telecommunications industry. Grenada, St. Vincent and the Grenadines, and St. Lucia each maintain a National Telecommunications Regulatory Commission which is the regulatory agency in each of the aforementioned countries with responsibility for oversight over telecommunications companies and for ensuring and enforcing compliance with competition laws and regulations in the Grenada, St. Vincent and the Grenadines, and St. Lucia telecommunications industries, respectively. In Barbados, the Fair Trading Commission is the regulatory agency with responsibility for oversight of telecommunications companies and for

ensuring and enforcing compliance with competition and utilities law and regulation. The Directie Telecommunicatie Zaken ("DTZ") is the regulatory authority in Aruba responsible for telecommunications licensing and regulation.

In Digicel USA's affiliate in Jamaica holds market power as defined by the Commission's rules. However, Digicel's affiliates in Grenada, St. Vincent and the Grenadines, St. Lucia, Barbados, and Aruba do not hold market power. Therefore, the presumption of dominance according to Section 63.10 of the Commission's Rules only applies on the U.S. - Jamaica international route.

- (l) The Applicant certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.
- (m) The Applicant certifies, pursuant to Section 1.2001 and 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301), that no party to its application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

III. CONCLUSION

For the reasons stated above, Digicel USA, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this application.

Respectfully submitted,

/s/ Delbert D. Smith
Delbert D. Smith
Michael J. Mendelson

Jones Day
51 Louisiana Avenue
Washington, DC 20001

Counsel for Digicel USA, Inc.

October 21, 2003